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Attorneys for Plaintiffs  
Boston Telecommunications Group, Inc.  
and Roderick Marshall

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

BOSTON TELECOMMUNICATIONS  
GROUP, INC. and  
RODERICK MARSHALL

Plaintiffs,

v.

ROBERT WOOD

Defendant.

CASE NO. C02-5971 JSW

**STIPULATION AND ORDER  
MODIFYING FACT DISCOVERY  
DEADLINE**

The parties, by their undersigned counsel, hereby agree to extend the fact discovery deadline from February 28, 2011 to April 18, 2011. As grounds for this change in deadline, the parties state as follows:

1) The depositions of the parties, Plaintiff Roderick Marshall and Defendant Robert Wood, were conducted on February 1 and 2, respectively.

2) During these depositions it became clear that the parties still have a dispute about the scope of documents to be produced by Mr. Wood, along with the scope of any corresponding privilege log. During the deposition of Mr. Wood, the parties discussed some of these issues by teleconference with Magistrate Judge Beeler. The parties are currently attempting to resolve these discovery disputes in accord with the suggestions of Magistrate Beeler. However, this process may take several more weeks, especially owing to the fact that current counsel only recently entered an appearance, and thus until recently did not have access to all of prior counsel's files relating to this case.

3) The documents and privilege log in dispute have potentially important ramifications both for the case generally as well as for third-party depositions that may be required to help clarify them. A short extension of the discovery deadline would allow for these third-party depositions to occur, should they be necessary.

4) In addition, Mr. Marshall is in discussions with non-party Deloitte Touche Tohmatsu ("DTT") about the scope of DTT's production and privilege log. (Mr. Wood was a partner with one or more of DTT's member firms in Central Europe.) Any discovery disputes between Mr. Marshall and DTT or any other Deloitte entities, if they cannot be mutually resolved, will likely have to be resolved in the Southern District of New York, the court from which the DTT subpoenas issued. A short extension of the discovery deadline will hopefully allow for the timely resolution of any discovery disputes that may remain between Mr. Marshall and DTT or its member firms.

5) The discovery extension will thus be limited to further discovery relating to (a) the documents and issues raised during Mr. Wood's deposition, including privilege log issues; (b) the documents and issues raised in conjunction with the subpoenas issued by Mr. Marshall to DTT and/or its member firms; and (c) any third-party depositions that have been noticed but not yet completed, including those of DTT, Deloitte LLP, and Abraham Zimmerman.

6) In agreeing to a change of the fact discovery cut-off from the current deadline of February 28, 2011 to the new deadline of April 18, 2011, the parties do not anticipate that any of the other tracking order deadlines will need to be changed. In other words, the expert discovery

1 cut-off date can remain as May 6, 2011, the dispositive motions hearing date on June 3, 2011,  
2 the pretrial conference date on September 6, 2011, and so on.

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5 **IT IS SO STIPULATED.**

6 Dated: February 25, 2011

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8 /s/  
Steven M. Cowley (Pro Hac Vice)  
9 EDWARDS ANGELL PALMER & DODGE LLP

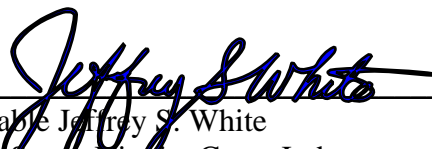
/s/  
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10 David C. Phillips  
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11 Attorneys for Plaintiffs  
12 Boston Telecommunications Group, Inc.  
13 and Roderick Marshall

14  
15 **IT IS SO ORDERED:**

16  
17 Dated: February 28, 2011

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19 Honorable Jeffrey S. White  
United States District Court Judge